REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 12, 20, 22 and 30 have been amended. No claims have been canceled. No claims have been added. Thus, claims 12, 13, 16-20, 22, 23 and 26-30 are pending.

INTERVIEW SUMMARY

A November 19, 2010 telephone interview was conducted between Examiner Robert J. Utama and Applicants' representative Dermot G. Miller (Reg. No. 58, 309). The interview included a discussion of points of distinction between Baffes et al., US Pat. No. 6,292,792 (hereinafter "*Baffes*") and certain embodiments described in the Specification of the above-identified patent application.

During the interview, Mr. Miller proposed certain amendments to more explicitly set forth such points of distinction in the claims. Agreement was eventually reached, with Examiner Utama indicating that such amendments would suffice for distinguishing the claims from *Baffes*. Such claim amendments are included herein.

REJECTIONS UNDER 35 U.S.C. §101

Claims 22-24 and 26-30

These claims are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. The Advisory Action acknowledges the previous cancelation of claim 24. For at least the following reasons, Applicants traverse the above rejection as applied to pending claims 22, 23 and 26-30.

At issue is whether claims to a "machine-readable storage medium storing a set of instructions" – as recited in claims 22-24 and 26-30 – is to be distinguished from a non-statutory propagation media, e.g. which carries propagating energy.

Applicants' communication filed October 7, 2010 includes arguments demonstrating that claims directed to a "machine-readable storage medium storing a set of instructions" are limited to statutory subject matter as required by 35 U.S.C. §101. The Advisory Action alleges, *inter alia*, that such arguments are not supported by *In re Nuijten*, 500 F.3d 1346 (Fed. Cir. 2007).

However, page 1356 of *In re Nuijten* states in salient part:

> 'In essence, energy embodying the claimed signal is fleeting and is devoid of any semblance of permanence during transmission.[6]'

More particularly, the above cited passage of *In re Nuijten*, 1356 includes a footnote 6, which states (emphasis added):

> '6 Of course, such a signal could be stored for later use, but **the result of such storage would be a "storage medium"** containing the signal. **Such a storage medium would likely be covered** by allowed Claim 15 of Nuijten's application, which is not before us on appeal.'

Accordingly, *In re Nuijten* draws a distinction between (1) mere energy (non-statutory) which is transmitting to carry a signal, and (2) a storage medium (statutory) which actually stores signal data for later use. Therefore, Applicants respectfully submit *In re Nuijten* supports the proposition that claims to a "machine-readable **storage** medium **storing** a set of instructions" (emphasis added) – as recited in claims 22, 23 and 26-30 – are exclusive of propagation media and/or any energy which is propagating in such propagation media. For at least the foregoing reasons, claims 22, 23 and 26-30 are limited to statutory subject matter.

Therefore, the rejection of these claims as allegedly being directed to non-patentable subject matter is improper, and Applicants respectfully request that the 35 U.S.C. §101 rejection of claims 22, 23 and 26-30 be withdrawn.

REJECTIONS UNDER 35 U.S.C. §112

Claims 14 and 24 – 35 U.S.C. §112, ¶1

These claims were rejected under 35 U.S.C. §112, ¶1 for allegedly failing to meet the written description and enablement requirements. However, the Advisory Action

acknowledges the previous cancelation of claims 14 and 24, and withdraws the above rejection. Therefore, it is Applicants' understanding that such rejection is no longer pending.

REJECTIONS UNDER 35 U.S.C. §102

Claims 12-14 and 22-24

These claims are rejected under 35 U.S.C. §102(b) as allegedly being unpatentable over Baffes et al., US Pat. No. 6,292,792 (hereinafter "*Baffes*"). The Advisory Action acknowledges the previous cancelation of claims 14 and 24, rendering moot the above rejection as applied thereto. For at least the following reasons, Applicants traverse the above rejection as applied to claims 12, 13, 22 and 23.

Applicants respectfully submit that each of the above rejected claims is not anticipated by *Baffes*, based at least on the failure of the reference to disclose (emphasis added):

> "…storing in a computer device sets of allocation data, wherein **each of the sets of allocation data corresponds to a different respective function in a set of functions** of an authoring tool, wherein **each of the sets of allocation data includes allocation settings which each correspond to a different respective one of an instructional design role and a content definition role**, wherein the instructional design role and the content definition role are each for a user to assume with respect to the authoring tool, **each of the allocation settings specifying a respective ability to customize an allocation of the function which corresponds to the set of allocation data to the role which corresponds to the allocation setting**;…
>
> in response to the received indication of the function selection, **allocating the selected function to the selected role, the allocating to customize a graphical user interface for the selected role**, the customizing to include the selected function in the graphical user interface when the user assumes the selected role, wherein the selected function is available in the graphical user interface to be selectively applied by the user for performing an operation on training course information."

as variously recited in current independent claims 12 and 22. The claim amendments are supported in the original disclosure at least by Table 2 and paragraphs [0032]-[0034], [0048] of the specification.

As indicated in the discussion below, Applicants provide herein claim amendments which were agreed during a November 19, 2010 Examiner Interview to be more explicit in distinguishing the claimed invention from *Baffes*. For example, although relied-upon passages of *Baffes* discusses various menus (e.g. concept editor menu, pedagogy editor menu, etc.) which are available to a user, the reference fails to indicate whether or how any such menu might be customized for inclusion of a function in (and/or exclusion of a function from) that menu when a user assumes a particular role. Similarly, *Baffes* fails to teach allocating a selected function to a selected role, the allocating to customize a graphical user interface for the selected role.

By contrast, current independent claims 12 and 22 variously recite allocating a selected function to a selected role, **the allocating to customize a graphical user interface** for the selected role, **the customizing to include the selected function in the graphical user interface when a user assumes the selected role**, wherein the selected function is available in the graphical user interface to be selectively applied by the user for performing an operation on training course information.

For at least the foregoing reasons, each of current independent claims 12 and 22 is novel in view of *Baffes*, as are any claims depending therefrom. Therefore, Applicants request that the above 35 U.S.C. §102(b) rejection of claims 12, 13, 22 and 23 based on *Baffes* be withdrawn.

REJECTIONS UNDER 35 U.S.C. §103

Claims 16-20 and 26-30

These claims are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Baffes* in view of Hekmatpour, US Pat. No. 5,644,686 (hereinafter "*Hekmatpour*"). For at least the following reasons, Applicants traverse the above rejection.

As demonstrated in the discussion above, there is at least one limitation in each of current independent claims 12 and 22 which is not taught or suggested by *Baffes*. *Hekmatpour*, which is generally related to consistent windowing structures for displaying

information (see, e.g. *Hekmatpour* FIG. 15 and col. 22, lines 10-30), does not cure the failure of *Baffes* to teach allocating a selected function to a selected role, the allocating to customize a graphical user interface for the selected role, the customizing to include the selected function in the graphical user interface when a user assumes the selected role, wherein the selected function is available in the graphical user interface to be selectively applied by the user for performing an operation on training course information.

Accordingly, each of independent claims 12 and 22 is non-obvious in light of *Baffes* and *Hekmatpour*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of claims 16-20 and 26-30 based on *Baffes* and *Hekmatpour* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that all pending objections and/or rejections have been overcome. Therefore, all pending claims are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: November 24, 2010

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